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RECEIVED

OCT 31 2008

AT 8:30  
WILLIAM T. WALSH  
CLERK

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
(Trenton Vicinage)

MELISSA M. VIETS and RUSSELL S. VIETS,  
Individually and as Administrator ad Prosequendum  
of infant, Jacqueline Nicole Viets,  
Plaintiffs

v.

DOREL JUVENILE GROUP, INC.,  
Defendant

CIVIL ACTION

NO. 3:06-cv-03878

CONSENT ORDER

COMPELLING ARCCA

TESTIMONY

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**THIS MATTER** having come before the Court on the motion of Defendant to bar the testimony of Gary Whitman of ARCCA, Inc. for failure to produce his billing records, and on Plaintiffs' motion to Quash the Subpoena served by Defendant on ARCCA seeking information relating to those billing records, the Court having reviewed the moving papers and the parties having consented to the entry of this Order,

**IT IS HEREBY ORDERED** that on November 11, 2008, beginning at 1:00 p.m., or on such other date as may be mutually agreed upon by counsel for Defendant and ARCCA, ARCCA shall produce for a deposition at its offices in Penns Park, PA pursuant to Federal Rule

of Civil Procedure 30(b)(6), the custodian of records or other person other than Gary Whitman to testify on the following subjects:

1. The nature and location of the time and billing records for litigation and non-litigation work performed by Gary Whitman between January 1, 2003 and December 31, 2007.

2. The hourly billing rates charged by ARCCA for litigation and non-litigation work performed by Gary Whitman between January 1, 2003 and December 31, 2007.

3. The total number of hours worked by Gary Whitman on litigation matters for each year between January 1, 2003 and December 31, 2007.

4. The total number of hours worked by Gary Whitman on non-litigation matters for each year between January 1, 2003 and December 31, 2007.

5. For each project performed by Gary Whitman between January 1, 2003 and December 31, 2007 for which time records were not kept,

(a) the identity of the client for whom the work was performed (if the work was not confidential, *e.g.*, is discussed on ARCCA's website), or information sufficient to designate each project (if the name of the client is confidential);

(b) the names of all other ARCCA professional employees who worked on the project,

(c) the total fees billed by ARCCA and/or by Gary Whitman on the project, and

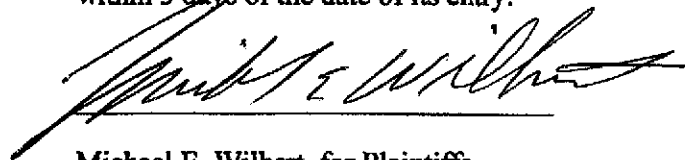
(d) whether or not ARCCA made a profit on the project.

**IT IS FURTHER ORDERED** that the deponent shall produce at the same time and place all documents used to prepare the answers for the foregoing subjects.

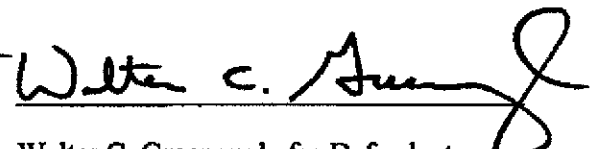
**IT IS FURTHER ORDERED** that the deposition shall proceed without further payment to ARCCA, but ARCCA thereafter may petition this Court for recovery of its reasonable costs or fees pursuant to Federal Rule of Civil Procedure 45(c).

**IT IS FURTHER ORDERED** that Gary Whitman shall testify at the trial of this matter if called to do so by Plaintiffs without further pre-payment of fees or expenses, but ARCCA or Whitman thereafter may petition this Court for recovery of their reasonable costs or fees.

**IT IS FURTHER ORDERED** that a copy of this Order shall be served on ARCCA within 3 days of the date of its entry.

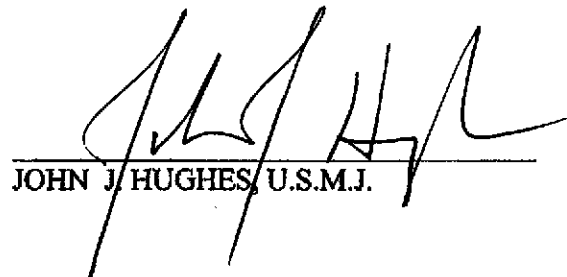


Michael E. Wilbert, for Plaintiffs



Walter C. Greenough, for Defendant

10/31/08

  
JOHN J. HUGHES, U.S.M.J.